

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAS VEGAS DEVELOPMENT GROUP, LLC)
Plaintiff,)
vs.)
COLFIN AI-NV 2, LLC, et al.,)
Defendants.)

Case No. 2:15-cv-01394-RFB-CWH

ORDER

Presently before the Court is Defendant COLFIN AI-NV 2, LLC’s (“Colfin”) Motion to Expand Time for Service and for Leave to Serve by Publication (ECF No. 50), filed on January 4, 2016. Colfin moves for an extension of time to serve Defendant Elmer S. Castro and for permission to serve Castro by publication. In support of its motion, Colfin provides a process server’s affidavit detailing Colfin’s unsuccessful attempts to locate and serve Castro in Nevada. (Aff. of Due Diligence (ECF No. 50-1).)¹

Based on this evidence, the Court finds that good cause exists for Colfin to serve Castro by publication under Federal Rule of Civil Procedure 4(e)(1) and Nevada Rule of Civil Procedure 4(e)(1). The Court therefore will grant Castro’s motion to serve by publication and will extend the current service deadline to April 25, 2016, which is sixty-two days from the date of this order. Additionally, given that it appears Castro resides in Guam, the Court finds that publication in a newspaper published in Guam “is necessary to give notice that is reasonably calculated to give [Defendant Castro] actual notice of the proceedings.” Nev. R. Civ. P. 4(e)(1)(iii). The Court therefore will require service by publication in a newspaper published in Guam in addition to in-state publication as to Defendant Castro.

¹ The Court notes that it previously granted Plaintiff Las Vegas Development Group, LLC's motion to serve Castro by publication. (Order (ECF No. 21); Order (ECF No. 27).)

1 IT IS THEREFORE ORDERED that Defendant COLFIN AI-NV 2, LLC's ("Colfin")
2 Motion to Expand Time for Service and for Leave to Serve by Publication (ECF No. 50) is
3 GRANTED.

4 IT IS FURTHER ORDERED that on or before March 8, 2016, Defendant COLFIN AI-NV
5 2, LLC must file a proposed order regarding service by publication that conforms to the
6 requirements of Federal Rule of Civil Procedure 4(e)(1), Nevada Rule of Civil Procedure 4(e)(1),
7 and the requirements set forth in this Order.

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9 DATED: February 24, 2016


10 **C.W. Hoffman, Jr.**
11 **United States Magistrate Judge**

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